

1 HEIDI L. KEEFE (SBN: 178960)
email: hkeefe@whitecase.com
2 MARK WEINSTEIN (SBN: 193043)
email: mweinstein@whitecase.com
3 AMY J. BAGDASARIAN (SBN: 227065)
email: abagdasarian@whitecase.com
4 KYLE D. CHEN (SBN: 239501)
email: kchen@whitecase.com
5 WHITE & CASE LLP
3000 El Camino Real
6 5 Palo Alto Square, 9th Floor
Palo Alto, CA 94306
7 Telephone: (650) 213-0300
Facsimile: (650) 213-8158

8
9 Attorneys for Plaintiff and Counterclaim Defendant Oplink
Communications, Inc.

10 DARRYL M. WOO (CSB NO. 100513)
dwoo@fenwick.com
11 HEATHER MEWES (CSB NO. 203690)
hmewes@fenwick.com
12 CAROLYN CHANG (CSB NO. 217933)
cchang@fenwick.com
13 JULIE NOKLEBERG (CSB NO. 247837)
jnokleberg@fenwick.com
14 FENWICK & WEST LLP
555 California Street, 12th Floor
15 San Francisco, CA 94104
Telephone: (415) 875-2300
16 Facsimile: (415) 281-1350

17 Attorneys for Defendants
O-Net Communications (Shenzhen) Limited, Multiwave
18 Digital Solutions, Inc., and Chunmeng Wu, an individual

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 OAKLAND DIVISION

22 OPLINK COMMUNICATIONS, INC.,

23 Plaintiff,

24 v.

25 O-NET COMMUNICATIONS
(SHENZHEN) LIMITED, MULTIWAVE
26 DIGITAL SOLUTIONS, INC., AND
CHUNMENG WU, an individual,

27 Defendants.
28

Case No. C 07-04582 SBA

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

Pursuant to Patent Local Rule 4-3 plaintiff Oplink Communications, Inc. (“Oplink”) and defendants O-Net Communications (Shenzhen) Limited (“O-Net Shenzhen”) and Multiwave Digital Solutions, Inc. (“Multiwave”) submit this Joint Claim Construction and Prehearing Statement regarding U.S. Patent No. 5,661,829 (“’829 patent”), U.S. Patent No. 6,215,919 (“’919 patent”), and U.S. Patent No. 6,895,129 (“’129 patent”) (collectively, “the Patents in Suit”).

I. CONSTRUCTION OF TERMS, PHRASES, OR CLAUSES AGREED UPON BY THE PARTIES - (Patent Local Rule 4-3(a))

The construction of those claim terms, phrases, or clauses on which the parties agree is set forth below:

A. Claim Terms, Phrases, or Clauses of the ’829 Patent

Claim Term	Implicated Claims of the ’829 Patent	Agreed Upon Construction
aperture	Claims 2, 28-31	an opening or open space
microcapillary	Claim 3	structure comprising a small tube or channel

B. Claim Terms, Phrases, or Clauses of the ’919 Patent

Claim Term	Implicated Claims of the ’919 Patent	Agreed Upon Construction
means for moving said beam guiding element in and out of said free beam path	Claims 1-14, 17-22	governed by 35 U.S.C. § 112 ¶ 6 <u>Function</u> : moving said beam guiding element in and out of the free beam path <u>Corresponding Structures</u> : mechanical actuator, electromechanical actuator, magnetic actuator, piezoelectric actuator

C. Claim Terms, Phrases, or Clauses of the ’129 Patent

Claim Term	Implicated Claims of the ’129 Patent	Agreed Upon Construction
consisting of	Claims 1-3	containing only

II. CONSTRUCTION OF TERMS, PHRASES, OR CLAUSES IN DISPUTE - (Patent Local Rule 4-3(b))

A. Claim Terms, Phrases, or Clauses of the Patents in Suit Requiring Construction by the Court

Pursuant to the Court's Patent Standing Order, the parties have met and conferred and narrowed the selection of disputed claim terms, phrases, or clauses to be construed by the Court to the ten terms identified in **Exhibits A-C**.

The parties' proposed construction for each of the disputed claim terms, phrases, or clauses of the '829, '919 and '129 patents that require construction by the Court, along with citations to intrinsic and extrinsic support is attached hereto as **Exhibits A, B, and C** respectively.

B. Other Disputed Claim Terms, Phrases, or Clause (That Do NOT Require Construction by the Court)

The parties have identified additional disputed claim terms, phrases, or clauses in their Patent Local Rule 4-1 and 4-2 disclosures. After meeting and conferring, the parties have agreed that these additional disputed terms, phrases, and/or clauses do not currently require construction by the Court. For the Court's convenience, however, the parties attach their proposed constructions of these additional disputed claim terms, phrases, or clauses of the Patents in Suit as Exhibit D.

III. CLAIM CONSTRUCTION HEARING (Patent Local Rule 4-3(c)-(e))

A. Claim Construction Hearing and Technology Tutorial

The current Pretrial Order sets the Claim Construction Hearing for August 27, 2008. (Docket No. 44). The Court's Patent Standing Order indicates that the Claim Construction Hearing generally will be scheduled for no longer than three hours. The parties do not anticipate needing more than three hours for the Claim Construction Hearing.

The Patent Technology Tutorial is currently scheduled for August 20, 2008. (Docket No. 44). The parties do not anticipate the need for more than the 30-45 minutes allotted to each side by the Court's Patent Standing Order for the technology tutorial presentation.

B. Witnesses

The parties are aware of the Court's Patent Standing Order which indicates that the Court will not ordinarily hear extrinsic evidence at the claim construction hearing. Should it become apparent that witness or expert witness testimony will be necessary, the parties will comply with the provisions of the Court's Patent Standing Order and request a telephone conference with the court within two weeks of the Claim Construction Hearing.

C. Prehearing Conference and Other Issues

At this time the parties have not identified any additional issues to be submitted for the Court's consideration or that would necessitate a prehearing conference.

Dated: May 20, 2008

WHITE & CASE LLP

By: /s/ Heidi L. Keefe
Heidi L. Keefe

Attorneys for Plaintiff
Oplink Communications, Inc.

Dated: May 20, 2008

FENWICK & WEST LLP

By: /s/ Darryl M. Woo
Darryl M. Woo

Attorneys for Defendants
O-Net Communications (Shenzhen) Limited,
Multiwave Digital Solutions, Inc., and
Chunmeng Wu, an individual

Exhibit A

Exhibit A

The Parties' Proposed Claim Construction of Disputed Terms of the '829 Patent Requiring Construction by the Court

Claim Term, Phrase, or Clause '829 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
"quartz collimator aligner"	Claims 1-4, 6, 27-31	<p>quartz collimator aligner</p> <p><u>Proposed Construction:</u></p> <p>a structure made substantially of quartz material that aligns the optical fiber holder with the lens</p> <p><u>Intrinsic Support:</u></p> <p>'829 patent: Abstract; Col. 1, lines 22-33; Col. 2, lines 7 – 14; Col. 3, line 55 – col. 4, line 3; Col. 4, lines 53 – 65; Col. 4, line 66 – col. 5, line 6; Col. 6, lines 18 – 26; Col. 6, lines 34 – 35 and 48 – 49 (Claim 1); Col. 8, lines 58 – 60 (Claim 27); Col. 9, lines 15 – 16 (Claim 29); Fig. 2 (see items 128, 148); Fig. 3 (see item 128)</p> <p><u>Extrinsic Support:</u></p> <p>Align: "1. To place in a line." WEBSTER'S II NEW COLLEGE DICTIONARY 28 (1999); expert witness testimony regarding facets of disputed constructions relating to quartz and alignment</p>	<p>quartz collimator aligner</p> <p><u>PROPOSED CONSTRUCTION:</u> a structure consisting of quartz that holds the optical fiber holder and the lens in place within the collimating means</p> <p><u>Dictionary/Treatise Definitions:</u> <i>Webster's Collegiate Dictionary</i> (10th ed 1993) 28 (align/alignment: to bring into proper positioning)</p> <p><u>The '829 Patent Specification:</u> col. 1:30-33 (alignment and smoothness of collimator's components lowers insertion loss and raises return loss); col. 2:7-14 (quartz aligner aligns the optical fiber holder and then lens and improves alignment by reducing insertion loss; smoothness of quartz increases return loss); col. 3:59-4:3 (disadvantages to prior art metal collimator holders); col. 4:53-5:6 (properties of quartz collimator holder made using current crystal growth technology reduces insertion loss and increases return loss); Figs. 2-3 (showing quartz collimator aligner 128)</p>

Exhibit A

The Parties' Proposed Claim Construction of Disputed Terms of the '829 Patent Requiring Construction by the Court

Claim Term, Phrase, or Clause '829 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
			'829 Patent File History: Notice of Allowability – Reasons for Allowance at 3 (none of the references disclose/suggest an optical isolator having ... a first quartz collimator aligner ...)
“core assembly holder”	Claims 5-6, 31	<p>core assembly holder</p> <p><u>Proposed Construction:</u> a structure that holds a polarization rotation means</p> <p><u>Intrinsic Support:</u> '829 patent: Abstract; Col. 1, lines 49 – 52; Col. 2, lines 15-18; Col. 2, line 55 – col. 3, line 25; Col. 4, lines 4-11; Col. 5, lines 7 – 30; Col. 6, lines 18 – 26; Col. 7, lines 7 – 10 (Claim 5); Fig. 1 (see item 38); Fig. 2 (see item 138); Fig. 4 (see item 138)</p>	<p>core assembly holder</p> <p><u>PROPOSED CONSTRUCTION:</u> a structure that holds components of the optical isolator core in place</p> <p><u>The '829 Patent Specification:</u> col. 1:19-21 (“The core assembly is typically comprised of a first polarizer, a faraday rotator, and a second polarizer.”); col. 3:9-12 (prior art isolator includes core assembly holder 38); col. 4:4-11 (describing prior art core assembly holder 38 which holds first polarizer, faraday rotator, and second polarizer); col. 5:7-30 (describing claimed core assembly holder); Figs. 1-2, 4 (core assembly holder 38 and core assembly holder 138)</p>
“disposed in” or “disposing ... within”	Claims 5-6, 31	<p>disposed in or disposing ... within</p> <p><u>Proposed Construction:</u></p>	<p>disposed in or disposing ... within</p> <p><u>PROPOSED CONSTRUCTION:</u> placed</p>

Exhibit A

The Parties' Proposed Claim Construction of Disputed Terms of the '829 Patent Requiring Construction by the Court

Claim Term, Phrase, or Clause '829 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
<p>“polarization rotation means being disposed in the core assembly holder” (claims 5-6)</p> <p>“disposing the polarization rotation means within the core assembly holder” (claim 31)</p>		<p>“placed in” or “placing . . . within”</p> <p><u>Intrinsic Support:</u></p> <p>'829 patent: Abstract; Fig. 1 (items 34, 38); Fig. 2 (items 134, 138); Fig. 4 (items 134, 138); Col. 1, lines 49-52; Col. 2, lines 15 – 18; Col. 4, lines 4-11; Col 5, lines 7 – 30; Col. 6, lines 18 – 26; Col. 7, lines 7 – 10 (Claim 5).</p> <p><u>Extrinsic Evidence:</u></p> <p>Within: “1. In or into the inner part; inside.” THE AMERICAN HERITAGE COLLEGE DICTIONARY 1574 (4th ed. 2000).</p>	<p>so as to be situated completely inside</p> <p><u>Dictionary/Treatise Definitions:</u> <i>Webster's Collegiate Dictionary</i> (10th ed 1993) 335 (dispose: to place, distribute or arrange esp. in an orderly way)</p> <p><u>The '829 Patent Specification:</u> col. 1:49-52 (“the core should be modifiable to provide optimal isolation peak position); col. 2:16-19 (having polarization rotations means disposed within the core assembly holder increases ability to adjust orientation of the first and second polarizers); col. 4:4-11 (prior art core assembly holder was flat so core components were all the same size); col. 5:7-30 (with faraday rotator placed in the assembly holder a smaller rotator can be used); Figs. 2 and 4</p>
<p>“located between”</p> <p>“a core assembly holder located between the first polarizer and the second polarizer”</p>	claims 5-6, 31	<p>located between</p> <p><u>Proposed Construction:</u></p> <p>situated in the space separating</p> <p><u>Intrinsic Support:</u></p> <p>'829 patent: Abstract; Fig. 1 (items 32, 36, 38); Fig. 2 (items 132, 136, 138); Fig. 4 (items 132,</p>	<p>located between</p> <p><u>PROPOSED CONSTRUCTION:</u> situated completely within the volume of space separating the first polarizer and the second polarizer</p> <p><u>The '829 Patent Specification:</u> col. 1:49-</p>

Exhibit A

The Parties' Proposed Claim Construction of Disputed Terms of the '829 Patent Requiring Construction by the Court

Claim Term, Phrase, or Clause '829 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
(claims 5-6, 31)		<p>136, 138); Col. 1, lines 49 – 52; Col. 4, lines 4 – 11; Col. 5, lines 18 – 26; Col. 6, lines 18 – 26.</p> <p><u>Extrinsic Evidence:</u></p> <p>Located: “3. To place at a certain location; station or situate.” THE AMERICAN HERITAGE COLLEGE DICTIONARY 812 (4th ed. 2000).</p> <p>Between: “1. In the interval or position separating <i><between></i> the buildings” WEBSTER'S II NEW COLLEGE DICTIONARY 106 (1999); expert witness testimony re disputed constructions, adjustability of polarizers, size of rotator, location of assembly holder to one of ordinary skill</p>	<p>52 (“the core should be modifiable to provide optimal isolation peak position); col. 2:16-19 (the core assembly holder with faraday rotator arranged so orientation of the first and second polarizers can be adjusted); col. 4:4-11 (prior art core assembly holder was flat and polarizers were situated atop it so could not adjust orientation); col. 5:7-30 (with core assembly holder between the polarizers, position of polarizers can be adjusted); Figs. 2 and 4</p>

Exhibit B

Exhibit B**The Parties' Proposed Claim Construction of Disputed Terms of the '919 Patent Requiring Construction by the Court**

Claim Term, Phrase, or Clause '919 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
"wedge prism"	Claims 2-4	<p>wedge prism</p> <p><u>Proposed Construction:</u></p> <p>an optical element having plane-inclined surfaces</p> <p><u>Intrinsic Support:</u></p> <p>'919 patent: Figs. 1 (item 12), 2 (item 12), 3A (item 12), 3B (item 12), 4 (item 12); Col. 3, lines 60 – 65; Col. 4, lines 21 – 26; Col. 5, lines 36 – 39 and 57; Col. 6, lines 5 – 20.</p> <p><u>Extrinsic Evidence:</u></p> <p>Wedge: "An optical element having plane-inclined surfaces." THE PHOTONICS DICTIONARY D-148 (40th ed. 1994); expert testimony re disputed constructions, internal reflections aspect of O-Net construction</p>	<p>wedge prism</p> <p><u>PROPOSED CONSTRUCTION:</u> a prism that refracts light passing through it to introduce a bend in the ray path without the light undergoing any internal reflections</p> <p><u>Dictionary/Treatise Definitions:</u> <i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (5th ed. 1994) 2159 (wedge: a refracting prism of very small angle, inserted into an optical train to introduce a bend in the ray path)</p> <p><u>The '919 Patent Specification: Abstract</u> ("The wedge is designed to shift the light beam by an offset and rotate it by an angle"); col. 3:18-21 ("The beam guiding element is a wedge prism designed such that the light beam enters the wedge prism through a first facet and exits the wedge through a second facet without undergoing any internal reflections."); col.4:43-5:11 (describing consequence of light entering a wedge prism)</p>

Exhibit C

Exhibit C

The Parties' Proposed Claim Construction of Disputed Terms of the '129 Patent Requiring Construction by the Court

Claim Term, Phrase, or Clause '129 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
"compound polarization rotator"	Claims 1-3	<p>compound polarization rotator</p> <p><u>Proposed Construction:</u></p> <p>an optical device that renders mutually parallel polarizations orthogonal and mutually orthogonal polarizations parallel</p> <p><u>Intrinsic Support:</u></p> <p>'129 patent: Col. 2, lines 20 – 44; Col. 2, line 58 – Col. 3, line 11; Col. 3, lines 22 – 41; Col. 3, line 56 – col. 4, line 10; Col. 6, line 51 – col. 7, line 13; Col. 7, lines 25 – 55; Col. 8, lines 1 – 21; Col. 8, line 59 – col. 9, line 5; Col. 9, lines 41 – 58; Col. 10, lines 10 – 30; Col. 10, line 57 – Col. 11, line 12; Col. 11, lines 26 – 58; Col. 12, lines 4 – 34; Col. 13, lines 7 – 14; Col. 13, lines 32 – 50; Col. 14, lines 10 – 18; Col. 14, lines 56 – 58 (Claim 4); Col. 14, lines 62 – 64 (Claim 6); Col. 16, lines 13 – 15 (Claim 14); Col. 16, lines 19 – 21 (Claim 16).</p>	<p>compound polarization rotator</p> <p><u>PROPOSED CONSTRUCTION:</u> an optical device having more than one polarization rotators, that renders mutually parallel polarizations orthogonal and mutually orthogonal polarizations parallel</p> <p><u>The '129 Patent Specification:</u> col. 2: 25-31 (rendering mutually parallel polarizations orthogonal and mutually orthogonal polarizations parallel); col. 2:65-3:11, 3:65-4:10 (first compound polarization rotator has first and second polarization rotator, and second compound polarization rotator has third and fourth polarization rotator); col. 3:28-30, 3:36-38 (rendering mutually parallel polarizations orthogonal and mutually orthogonal polarizations parallel); col. 5:38-55 (prior art comprised of Faraday rotator and pair of half wave plates); col. 6:54-7:3, 7:29-34, 7:46-51, 8:5-10, col. 9:42-58, 10:14-18, 10:23-26, 10:57-62, 11:3-8, 11:27-36, 11:49-53, 12:4-13, 12:26-29, 13:32-50 (first and second compound polarization rotator each comprised of two Faraday rotators); Figs. 1a-5d (and their corresponding</p>

Exhibit C

The Parties' Proposed Claim Construction of Disputed Terms of the '129 Patent Requiring Construction by the Court

Claim Term, Phrase, or Clause '129 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
			descriptions); col. 8:59-9:5, col. 13:7-14 (compound polarization rotators replaced by Faraday rotator and pair of half wave plates)
“a polarization-dependent light angle deflector”	Claims 1-3	<p>polarization-dependent light angle deflector</p> <p><u>Proposed Construction:</u></p> <p>an optical device that deflects light to a direction of travel that is dependent upon the direction and polarization of light entering the device</p> <p><u>Intrinsic Support:</u></p> <p>'129 patent: Abstract; Col. 2, lines 1 – 10 and 45 – 64; Col. 3, lines 22 – 41 and 57 – 63; Col. 5, lines 13 – 26; Col. 6, lines 3 – 12; Col. 6, line 51 – col. 7, line 13; Col. 7, lines 14 – 45; Col. 7, line 56 – Col. 8, line 21; Col. 8, line 36 – col. 9, line 14; Col. 10, lines 10 – 40; Col. 10, line 41 – Col. 11, line 2; Col. 11, lines 13 – 48; Col. 12, lines 4 – 24; Col. 12, line 38 – col. 13, line 24; Col. 14, lines 10 – 18; Figs. 4(a), 4(b), 6(a) and 6(b); see also support for “polarization-dependent optical element”</p> <p>File history: 10/06/2003 Office Action; 12/08/2003 Amendment at pp. 3-5, 11-17.</p>	<p>polarization-dependent light angle deflector</p> <p><u>PROPOSED CONSTRUCTION:</u> an optical device that refracts light to a direction of travel that is dependent upon the direction and polarization of light entering the device</p> <p><u>The '129 Patent Specification:</u> col. 2:45-63 and col. 3:57-63 (describing path of light through polarization dependent light angle deflector); col. 5:22-23, col. 6:58-61 (polarization light dependent angle deflector (Wollaston prism)); col. 7:34-45, col. 7:64-8:1 (describing path of light through Wollaston prism); col. 10:18-30 (polarization light dependent angle deflector (Rochon prism)); col. 10:45-11:2, col. 11:23-48, col. 12:4-24 (describing the path of light through Rochon prism); Figs 4a-4b, 6a-6b</p> <p><u>The '129 Patent File History:</u> Oct. 6, 2003</p>

Exhibit C

The Parties' Proposed Claim Construction of Disputed Terms of the '129 Patent Requiring Construction by the Court

Claim Term, Phrase, or Clause '129 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
			Office Action at 3-7 (referring to light angle deflector in the prior art); Dec. 8, 2003 Amendment at 11/17-16/17 (describing light angle deflectors in the prior art)
"wedge"	Claims 1-3	<p>wedge</p> <p><u>Proposed Construction:</u></p> <p>an optical element having plane-inclined surfaces</p> <p><u>Intrinsic Support:</u></p> <p>'129 patent: Col. 6, line 51 – col. 7, line 13; Col. 8, line 36 – col. 9, line 14; Col. 10, line 10 – col. 11, line 25; Col. 12, line 38 – col. 13, line 24; Col. 14, lines 10 – 18; Figs. 3(a), 3(b), 4(a), 4(b), 5(a) – 5(d), 6(a) and 6(b).</p> <p><u>Extrinsic Evidence:</u></p> <p>Wedge: "An optical element having plane-inclined surfaces." THE PHOTONICS DICTIONARY D-148 (40th ed. 1994).</p>	<p>wedge</p> <p><u>PROPOSED CONSTRUCTION:</u> a prism that refracts light passing through it to introduce a bend in the ray path</p> <p><u>Dictionary/Treatise Definitions:</u></p> <p><i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (5th ed. 1994) 2159 (wedge: a refracting prism of very small angle, inserted into an optical train to introduce a bend in the ray path)</p> <p><u>The '129 Patent Specification:</u> col. 5:65-6:12 (describing prior art use of light angle deflectors); col. 6:58-63 (claimed light angle deflector has two wedges of birefringent material); col. 7:4-7 (describing optic axis of wedges); col.7:34-45, col. 8:10-21 (describing path of light beam passing through wedges); col. 10:45-11:2, col. 11:23-48, col. 12:4-24 (describing the path of light through wedges of Rochon prism); Figs 4a-4b, 6a-6b</p>

Exhibit C

The Parties' Proposed Claim Construction of Disputed Terms of the '129 Patent Requiring Construction by the Court

Claim Term, Phrase, or Clause '129 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
“said first and second wedges joined at an interface”	Claims 1-3	<p>said first and second wedges joined at an interface</p> <p><u>Proposed Construction:</u> said first and second wedges joined at a common boundary</p> <p><u>Intrinsic Support:</u> '129 patent: Figs. 3(a), 3(b), 4(a), 4(b), 5(a), 5(b), 5(c), 6(a), 6(b), 6(c); Col. 1, lines 48 – 67; Col. 2, lines 2 – 10; Col. 2, lines 36 – 44; Col. 3, lines 29 – 35; Col. 3, lines 57 – 62; Col. 10, lines 18 – 23; Col. 14, lines 10 – 18; Col. 14, lines 35 – 39 (Claim 1).</p> <p><u>Extrinsic Support:</u> Interface: “1. A surface forming a common boundary between adjacent regions, bodies, substances, or phrases.” THE AMERICAN HERITAGE COLLEGE DICTIONARY 723 (4th ed. 2000).</p>	<p>said first and second wedges joined at an interface</p> <p><u>PROPOSED CONSTRUCTION:</u> the first and second wedges being physically attached to each other to form a single unit at the surface forming the common boundary between the two wedges</p> <p><u>Dictionary/Treatise Definitions:</u> <i>Webster's Collegiate Dictionary</i> (10th ed 1993) 610 (interface: surface forming a common boundary)</p> <p><u>The '129 Patent Specification:</u> col. 3:57-59 (wedges “coupled together” at the interface); Figs 4a-4b and 6a-6b (and corresponding descriptions in the specification); col. 6:33-35 (invention has only one optical element between polarizers)</p>
“polarization-dependent optical element”	Claims 1-3	<p>polarization-dependent optical element</p> <p><u>Proposed Construction:</u> [Not governed by 35 U.S.C. § 112 ¶ 6] an optical device that deflects light to a direction of travel that is dependent upon the polarization of light entering the device</p>	<p>polarization-dependent optical element</p> <p><u>PROPOSED CONSTRUCTION:</u> governed by 35 U.S.C. § 112 ¶ 6</p> <p><u>FUNCTION:</u> to refract light where the amount of refraction depends on the polarization of light entering the device</p>

Exhibit C

The Parties' Proposed Claim Construction of Disputed Terms of the '129 Patent Requiring Construction by the Court

Claim Term, Phrase, or Clause '129 Patent	Implicated Claims	Plaintiff Oplink's Proposed Claim Construction and Supporting Evidence	Defendants O-Net Shenzhen's and Multiwave's Proposed Claim Construction and Supporting Evidence
		<p><u>Intrinsic Support:</u></p> <p>'129 patent: Col. 1, lines 48 – 67; Col. 2, lines 1 – 10; Col. 2, lines 45 – 63; Col. 3, lines 57 – 43; Col. 5, line 13 – col. 6, line 29; Col. 6, lines 58 – 61; Col. 7, lines 34 – 45; Col. 7, line 64 – col. 8, line 1; Col. 10, lines 18 – 30; Col. 10, line 45 – col. 11, line 3; Col. 11, lines 23 – 48; Col. 12, lines 4 – 24; Col. 14, lines 10 – 18; Col. 14, lines 47 – 49 (Claim 1); Col. 16, lines 3 – 5 (Claim 11); Fig. 1(b), 1(c) (item 17); see also support for “polarization-dependent light angle deflector”</p> <p>File history: 10/06/2003 Office Action; 12/08/2003 Amendment at pp. 3-5, 11-17.</p>	<p>CORRESPONDING STRUCTURE: Wollaston prism 114 or Rochon prism 315</p> <p><u>The '129 Patent Specification:</u> col. 2:45-63 and col. 3:57-63 (describing path of light through polarization dependent light angle deflector); col. 6:58-61 (polarization light dependent angle deflector (Wollaston prism)); col. 7: 34-45, col. 7:64-8:1 (describing path of light through Wollaston prism); col. 10:18-30 (polarization light dependent angle deflector (Rochon prism)); col. 10:45-11:2, col. 11:23-48, col. 12:4-24 (describing the path of light through Rochon prism); Figs 4a-4b, 6a-6b</p> <p><u>The '129 Patent File History:</u> Dec. 3, 2003 Amendment at 11/17-12/17(adding “wherein no polarization-dependent optical element” limitation)</p>

Exhibit D

Exhibit D**Other Disputed Claim Terms, Phrases, or Clauses of the Patents in Suit that Do NOT Require Construction by the Court**

Claim Term	Plaintiff Oplink's Proposed Construction	Defendants O-Net Shenzhen's and Multiwave's Proposed Construction
The '829 Patent		
collimating means Claims 1-6, 27-31 of the '829 patent	<p>Oplink contends that the meaning of this term is sufficiently clear and ascertainable such that it does not require construction.</p> <p>In the event a construction is warranted, Oplink contends that this term is not governed by 35 U.S.C. § 112 ¶ 6, and should be construed as "a device that makes a light beam into a collimated light beam"</p>	<p>Governed by 35 U.S.C. § 112 ¶ 6</p> <p><u>Function</u>: to convert a divergent beam of light into a collimated (i.e., minimum divergence) beam of light</p> <p><u>Structure</u>: First collimator 120 or second collimator 140</p>
aligning Claims 1-4, 27-31 of the '829 patent	<p>"placing according to a line, the optical fiber held by the [first or second] optical fiber holder and the axis of the [first or second] lens"</p>	<p>bringing into proper positioning</p> <p>(positioning the optical fiber holder and lens so as to convert a beam of light exiting or entering an optical fiber held in the fiber optic holder into a collimated beam of light traveling in the desired direction)</p>
polarization rotation means Claims 1-6, 27-31 of the '829 patent	<p>"structure such as a Faraday rotator that rotates the polarization of the transmitted light by a predetermined number of degrees"</p> <p>Oplink contends that this term is not governed by 35 U.S.C. § 112 ¶ 6</p>	<p>Governed by 35 U.S.C. § 112 ¶ 6</p> <p><u>Function</u>: To rotate the polarization of transmitted light by a predetermined number of degrees</p> <p><u>Structure</u>: Faraday rotator 134</p>
disposed around Claims 1-4, 27-31 of the '829	<p>Oplink contends that the meaning of this term is sufficiently clear and ascertainable such</p>	<p>placed so as to encircle or enclose on all sides, except where a beam of light enters or exits</p>

Exhibit D**Other Disputed Claim Terms, Phrases, or Clauses of the Patents in Suit that Do NOT Require Construction by the Court**

Claim Term	Plaintiff Oplink's Proposed Construction	Defendants O-Net Shenzhen's and Multiwave's Proposed Construction
patent	that it does not require construction. In the event any construction is warranted, the term should be construed as "placed on the outside of"	
The '919 Patent		
lensing element claims 1-14, 17-22 of the '919 patent	"structure that includes a lens" Oplink contends that this term is not governed by 35 U.S.C. § 112 ¶ 6	Governed by 35 U.S.C. § 112 ¶ 6 <u>Function:</u> To focus light traveling to or from optical fibers <u>Corresponding structure:</u> Graded Index lens 22 or Graded Index lens 38
signal port claims 1-14, 17-22 of the '919 patent	Oplink contends that the meaning of this term is sufficiently clear and ascertainable such that it does not require construction. In the event any construction is warranted, the term should be construed as "an opening for holding an optical fiber emitting a light beam"	an opening for holding an optical fiber which carries a light beam modulated with information signals
free beam path claims 1-14, 17-22 of the '919 patent	Oplink contends that the meaning of this term is sufficiently clear and ascertainable such that it does not require construction. In the event any construction is warranted, the term should be construed as "path along which light will travel in the absence of a	path along which light will travel between the input fiber and the first optical fiber in the absence of a beam guiding element

Exhibit D**Other Disputed Claim Terms, Phrases, or Clauses of the Patents in Suit that Do NOT Require Construction by the Court**

Claim Term	Plaintiff Oplink's Proposed Construction	Defendants O-Net Shenzhen's and Multiwave's Proposed Construction
	beam guiding element"	
in-coupled claims 1-14, 17-22 of the '919 patent	Oplink contends that the meaning of this term is sufficiently clear and ascertainable such that it does not require construction. In the event any construction is warranted, the term should be construed as "focused and directed"	signal information in the form of light from an optical fiber focused and transferred into the core of another optical fiber
beam guiding element claims 1-14, 17-22 of the '919 patent	Oplink contends that the meaning of this term is sufficiently clear and ascertainable such that it does not require construction. In the event any construction is warranted, the term should be construed as "structure for guiding a light beam passing through it" Oplink contends that this term is not governed by 35 U.S.C. § 112 ¶ 6	Governed by 35 U.S.C. § 112 ¶ 6 <u>Function:</u> To shift a light beam by an offset and rotate the light beam by an angle <u>Structure:</u> wedge prism 12
guided beam path claims 1-14, 17-22 of the '919 patent	Oplink contends that the meaning of this term is sufficiently clear and ascertainable such that it does not require construction. In the event any construction is warranted, the term should be construed as "path along which light will travel in the presence of a beam guiding element"	path along which light will travel between the input fiber and the second optical fiber when refracted by a beam guiding element

Exhibit D**Other Disputed Claim Terms, Phrases, or Clauses of the Patents in Suit that Do NOT Require Construction by the Court**

Claim Term	Plaintiff Oplink's Proposed Construction	Defendants O-Net Shenzhen's and Multiwave's Proposed Construction
The '129 Patent		
lens Claims 1-3 of the '129 patent	Oplink contends that the meaning of this term is sufficiently clear and ascertainable such that it does not require construction.	an optical device that transmits incoming light and has optical power (i.e., it either converges or diverges the incoming light)
collimator Claims 1-3 of the '129 patent	A device that makes a light beam into a collimated light beam	an optical device that converts a divergent beam of light into a collimated (i.e., minimum divergence) beam of light
coupling Claims 1-3 of the '129 patent	Oplink contends that the meaning of this term is sufficiently clear and ascertainable such that it does not require construction. In the event any construction is warranted, the term should be construed as "connecting"	transferring signal information in the form of light from one optical fiber into another optical fiber